

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor: Isamu YOSHII Art Unit 2611
Appn. No.: 10/568,450 Exr. L. Yu
Filed: February 15, 2006 Conf. No. 1203
For: MULTICARRIER COMMUNICATION APPARATUS, MULTICARRIER COMMUNICATION SYSTEM, AND TRANSMISSION POWER CONTROL METHOD

RESPONSE UNDER 37 CFR § 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated February 20, 2009, the Applicant respectfully requests reconsideration and allowance of this application in light of the following remarks.

Claims 1-3, 5, and 7-11 stand rejected, under 35 USC §102(e), as being anticipated by Li et al. (US 6,904,283). Claim 4 stands rejected, under 35 USC §103(a), as being unpatentable over Li in view of Todd (US 5,357,284). Claim 6 stands rejected, under 35 USC §103(a), as being unpatentable over Li in view of Sakamoto (US 6,816,453). The Applicant respectfully traverses these rejections as follows.

Claim 1 defines a multicarrier communication apparatus that, *inter alia*, controls a combined transmission power of groups of subcarriers each comprising a predetermined number of subcarriers.

The Applicant submits that Li does not disclose this subject matter, and the Office Action provides no express findings of fact to the contrary. Instead, the Office Action proposes that Li discloses: (1) performing SINR estimation for a cluster of subcarriers, (2) performing power calculation for each cluster, and (3) selecting a cluster based on the estimated SINR (see Office Action page 3, second paragraph). It is submitted that Li's disclosure of performing SINR estimation, calculating power for each cluster, and selecting a cluster based on the estimated SINR is not identical to the Applicant's claimed subject matter of controlling a combined transmission power of groups of subcarriers each comprising a predetermined number of subcarriers.

Accordingly, the Applicant submits that Li does not anticipate the subject matter defined by claim 1. Independent claims 10 and 11 similarly recite the above-mentioned subject matter distinguishing apparatus claim 1 from Li, but claim 10 does so respect to a method, while claim 11 does so with respect to a system. Therefore, it is submitted that the rejections applied to claims 4 and 6 are obviated, and allowance of claims 1, 10, and 11 and all claims dependent therefrom is deemed to be warranted.

Claim 8 defines a multicarrier communication apparatus that, *inter alia*, calculates a difference in power between a measured combined received power and a desired target received power.

The Office Action proposes that Li discloses calculating a power difference, for a cluster of subcarriers, between a pilot period and a data period and using the power difference to select a desired cluster of subcarriers (see Office Action page 6, second paragraph).

However, it is submitted that calculating a power difference for a subcarrier cluster at different times for use in selecting a desired cluster is not identical to the Applicant's claimed subject matter of calculating a difference in power between a measured combined received power and a desired target received power.

Accordingly, the Applicant submits that Li does not anticipate the subject matter defined by claim 8. Therefore, allowance of claim 8 and dependent claim 9 is warranted.

To promote a better understanding of the patentable distinctions of the claimed subject matter over the applied references, the Applicant submits the following additional remarks.

As generally recited in instant independent claims 1, 10 and 11, the claimed subject matter controls the combined transmission power of groups of subcarriers each comprising a predetermined number of subcarriers.

By contrast to this subject matter, Li discloses dividing a plurality of subcarriers into a plurality of groups each comprised of at least one cluster of subcarriers (see Li col. 2, line 62, through col. 3, line 4, and col. 11, lines 47-61). Li also disclose ordering and selecting clusters based on the power difference between pilot periods and data periods (see col. 2, line 62, through col. 3, line 4).

Thus, Li discloses ordering and selecting clusters on a per subcarrier group basis, based on the power difference between pilot periods and data periods. However, Li fails to disclose the Applicant's claimed subject matter of controlling transmission power on a subcarrier group basis.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: June 22, 2009
JEL/DWW/att

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